

ASSEMBLY BILL

No. 1306

Introduced by Assembly Member Liu

February 22, 2005

An act to amend Sections 33126 and 49600 of the Education Code, relating to school personnel.

LEGISLATIVE COUNSEL'S DIGEST

AB 1306, as introduced, Liu. School personnel.

Existing law, the Classroom Instructional Improvement and Accountability Act, requires each school district that maintains an elementary or secondary school to develop and implement a school accountability report card, as prescribed. Existing law requires the report card to include the total number of the school's fully credentialed teachers, the number of teachers relying on emergency credentials, the number of teachers working without credentials, and any assignment of teachers outside their subject areas of competence. Existing law requires the report card to include an assessment of the availability of qualified personnel to provide counseling and other pupil support services. The act prohibits any change except to further its purposes by a bill passed by a vote of $\frac{2}{3}$ of the membership of both houses of the Legislature and signed by the Governor.

This bill would require the report card to include the total number of the school's fully credentialed administrators and pupil services staff, and the number of other certificated employees relying on emergency credentials, working without credentials, or on assignments outside their subject areas of competence. This bill would specify that the assessment of the availability of qualified personnel to provide pupil support services be of qualified fully credentialed personnel.

Existing law authorizes the governing boards of school districts to provide educational counseling programs, administered by credentialed counselors. Existing law provides that educational counseling include academic, career and vocational, and personal and social counseling.

This bill would state legislative findings and declarations regarding the purpose and goal of educational counseling programs and the role of school counselors. The bill would also state the intent of the Legislature to entitle all public school pupils to the benefits of these programs and that these programs justify high priority and commitment of resources by the state and local educational agencies. The bill would, in addition, specify the authority and responsibilities of credentialed school counselors, revise and expand the areas of educational counseling, require the programs to consist of guidance curriculum, individual counseling with pupils, responsive services, and system support and include certain enumerated components, and require the use of appropriate community-based services and resources to be included in the programs, wherever possible, under specified conditions.

By requiring school districts to include additional information within the School Accountability Report Card, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 33126 of the Education Code is
- 2 amended to read:
- 3 33126. (a) The school accountability report card shall provide
- 4 data by which a parent can make meaningful comparisons

1 between public schools that will enable him or her to make
2 informed decisions on which school to enroll his or her children.

3 (b) The school accountability report card shall include, but is
4 not limited to, assessment of the following school conditions:

5 (1) (A) Pupil achievement by grade level, as measured by the
6 standardized testing and reporting programs pursuant to Article 4
7 (commencing with Section 60640) of Chapter 5 of Part 33.

8 (B) Pupil achievement in and progress toward meeting
9 reading, writing, arithmetic, and other academic goals, including
10 results by grade level from the assessment tool used by the
11 school district using percentiles when available for the most
12 recent three-year period.

13 ~~(C) After the state develops a statewide assessment~~
14 ~~system~~ *Pupil achievement by grade level, as measured by the*
15 *results of the statewide assessments administered* pursuant to
16 Chapter 5 (commencing with Section 60600) and Chapter 6
17 (commencing with Section 60800) of Part 33, ~~pupil achievement~~
18 ~~by grade level, as measured by the results of the statewide~~
19 ~~assessment.~~

20 (D) Secondary schools with high school seniors shall list both
21 the average verbal and math Scholastic Assessment Test scores
22 to the extent provided to the school and the percentage of seniors
23 taking that exam for the most recent three-year period.

24 (2) Progress toward reducing dropout rates, including the
25 one-year dropout rate listed in the California Basic Education
26 Data System or any successor data system for the
27 ~~schoolsite~~*schooltime* over the most recent three-year period, and
28 the graduation rate, as defined by the State Board of Education,
29 over the most recent three-year period when available pursuant to
30 Section 52052.

31 (3) Estimated expenditures per pupil and types of services
32 funded.

33 (4) Progress toward reducing class sizes and teaching loads,
34 including the distribution of class sizes at the schoolsite by grade
35 level, the average class size, and, if applicable, the percentage of
36 pupils in kindergarten and grades 1 to 3, inclusive, participating
37 in the Class Size Reduction Program established pursuant to
38 Chapter 6.10 (commencing with Section 52120) of Part 28, using
39 California Basic Education Data System or any successor data
40 system information for the most recent three-year period.

(5) The total number of the school's fully credentialed teachers, *administrators, and pupil services staff*, the number of teachers *and other certificated employees* relying upon emergency credentials, the number of teachers *and other certificated employees* working without credentials, any assignment of teachers *and other certificated employees* outside their subject areas of competence, misassignments, including misassignments of teachers of English learners, and the number of vacant teacher positions for the most recent three-year period.

(A) For purposes of this paragraph, "vacant teacher position" means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position of which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

(B) For purposes of this paragraph, "misassignment" means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

(6) (A) Quality and currency of textbooks and other instructional materials, including whether textbooks and other materials meet state standards and ~~are~~ *have been* adopted by the State Board of Education for kindergarten and grades 1 to 8, inclusive, and adopted by the governing boards of school districts for grades 9 to 12, inclusive, and the ratio of textbooks per pupil and the year the textbooks were adopted.

(B) The availability of sufficient textbooks and other instructional materials, as defined in Section 60119, for each pupil, including English learners, in each of the following areas:

(i) The core curriculum areas of reading/language arts, mathematics, science, and history/social science.

(ii) Foreign language and health.

(iii) Science laboratory equipment for grades 9 to 12, inclusive, as appropriate.

(7) The availability of qualified *fully credentialed* personnel to provide ~~counseling and other~~ pupil support services, including, *but not limited to* the ratio of academic counselors per pupil.

1 (8) Availability of qualified substitute teachers.

2 (9) Safety, cleanliness, and adequacy of school facilities,
3 including any needed maintenance to ensure good repair as
4 specified in Section 17014, Section 17032.5, subdivision (a) of
5 Section 17070.75, and subdivision (b) of Section 17089.

6 (10) Adequacy of teacher evaluations and opportunities for
7 professional improvement, including the annual number of
8 schooldays dedicated to staff development for the most recent
9 three-year period.

10 (11) Classroom discipline and climate for learning, including
11 suspension and expulsion rates for the most recent three-year
12 period.

13 (12) Teacher and staff training, and curriculum improvement
14 programs.

15 (13) Quality of school instruction and leadership.

16 (14) The degree to which pupils are prepared to enter the
17 workforce.

18 (15) The total number of instructional minutes offered in the
19 school year, separately stated for each grade level, as compared
20 to the total number of the instructional minutes per school year
21 required by state law, separately stated for each grade level.

22 (16) The total number of minimum days, as specified in
23 Sections 46112, 46113, 46117, and 46141, in the school year.

24 (17) The number of advanced placement courses offered, by
25 subject.

26 (18) The Academic Performance Index, including the
27 disaggregation of subgroups as set forth in Section 52052 and the
28 decile rankings and a comparison of schools.

29 (19) Whether a school qualified for the Immediate
30 Intervention Underperforming Schools Program pursuant to
31 Section 52053 and whether the school applied for, and received a
32 grant pursuant to, that program.

33 (20) Whether the school qualifies for the Governor's
34 Performance Award Program.

35 (21) When available, the percentage of pupils, including the
36 disaggregation of subgroups as set forth in Section 52052,
37 completing grade 12 who successfully complete the high school
38 exit examination, as set forth in Sections 60850 and 60851, as
39 compared to the percentage of pupils in the district and statewide
40 completing grade 12 who successfully complete the examination.

(22) Contact information pertaining to any organized opportunities for parental involvement.

(23) For secondary schools, the percentage of graduates who have passed course requirements for entrance to the University of California and the California State University pursuant to Section 51225.3 and the percentage of pupils enrolled in those courses, as reported by the California Basic Education Data System or any successor data system.

(24) Whether the school has a college admissions test preparation course program.

(25) When available from the department, the claiming rate of pupils who earned a Governor's Scholarship Award pursuant to subdivision (a) of Section 69997 for the most recent two-year period. This paragraph applies only to schools that enroll pupils in grade 9, 10 or 11.

(c) If the Commission on State Mandates finds a school district is eligible for a reimbursement of costs incurred complying with this section, the school district shall be reimbursed only if the information provided in the school accountability report card is accurate, as determined by the annual audit performed pursuant to Section 41020. If the information is determined to be inaccurate, the school district is not ineligible for reimbursement if the information is corrected by May 15.

(d) It is the intent of the Legislature that schools make a concerted effort to notify parents of the purpose of the school accountability report cards, as described in this section, and ensure that all parents receive a copy of the report card; to ensure that the report cards are easy to read and understandable by parents; to ensure that local educational agencies with access to the Internet make available current copies of the report cards through the Internet; and to ensure that administrators and teachers are available to answer any questions regarding the report cards.

SEC. 2. Section 49600 of the Education Code is amended to read:

~~49600. (a) The governing board of any school district may provide a comprehensive educational counseling program for all pupils enrolled in the schools of the district. The Legislature finds and declares all of the following:~~

1 *(1) The purpose of an educational counseling program in a*
2 *school setting is to promote and enhance the learning process.*

3 *(2) The goal of an educational counseling program is to*
4 *provide every pupil with the knowledge, skills, and attitudes to*
5 *achieve success in school and to develop into contributing*
6 *members of our society.*

7 *(3) School counselors serve a vital role in promoting pupil*
8 *achievement and school safety and should be an integral part of*
9 *the educational plan of every school.*

10 *(4) School counselors are pupil advocates who focus on the*
11 *relationships and interactions between pupils and their school*
12 *environment for the express purpose of reducing the effect of*
13 *environmental and institutional barriers that impede pupil*
14 *academic success.*

15 *(5) School counselors serve as leaders, team members, and*
16 *consultants working with pupils, teachers, administrators,*
17 *parents, and the community to promote pupil success.*

18
19 **(b)** It is the intent of the Legislature to entitle every pupil
20 attending public school in California to the benefits of effective,
21 results-based school counseling programs designed to meet their
22 academic, career, personal, and social needs at all grade levels.
23 The realization of these benefits for every pupil entails the hiring
24 of additional school counselors and the provision of quality staff
25 development programs designed to prepare school counselors to
26 address new educational demands and expanding pupil needs
27 effectively.

28 **(c)** *It is further the intent of the Legislature that the benefits*
29 *pupils derive as a result of effective school counseling programs*
30 *justify a high priority and commitment of resources by the state*
31 *and local educational agencies.*

32 ~~For~~

33 **(d)** *For purposes of this section, “educational counseling”*
34 *means specialized services provided by a school counselor*
35 *possessing a valid credential with a specialization in pupil*
36 *personnel services who is assigned specific times to directly*
37 *counsel pupils. The school counseling credential authorizes the*
38 *holder to design, develop, coordinate, implement, and assess a*
39 *school counseling program that addresses academic, career,*
40 *personal, and social development of pupils. School counselors*

1 *promote equity and access, advocate for effective learning*
2 *strategies and positive behavioral support to ensure the*
3 *academic success of all pupils, provide schoolwide prevention*
4 *and intervention strategies and counseling services, collaborate*
5 *with community agencies, and provide consultation, training,*
6 *and staff development to teachers and parents regarding pupils'*
7 *needs.*

8 ~~(b)~~

9 (e) Educational counseling shall include, but not be limited to,
10 all of the following:

11 (1) ~~Academic-counseling development~~, in which pupils receive
12 counseling in the following areas:

13 ~~(A) Establishment~~ *Establishing* and ~~implementation~~
14 *implementing*, with parental involvement, ~~of the pupil's~~
15 *immediate and long-range educational plans of the pupil.*

16 (B) *Optimizing progress towards achievement of proficiency*
17 *academic content and performance standards and passing the*
18 *high school exit examination.*

19 ~~(C) Completion of~~ *Completing* the required curriculum to
20 *ensure adequate academic preparation essential to choose from*
21 *a variety of substantial postsecondary options, including college,*
22 *in accordance with the pupil's needs, abilities, interests, and*
23 *aptitudes of the pupil.*

24 (D) *Advising on the importance of higher education, the*
25 *advantages of advanced placement courses, and the value of*
26 *rigorous academic courses.*

27 (E) Academic planning for access and success in higher
28 education programs including advisement on ~~courses needed for~~
29 *admission and residency requirements for to* public colleges and
30 universities, *application deadlines* standardized admissions tests,
31 *local, state and federal scholarships,* and financial aid
32 *availability and requirements.*

33 (2) ~~Career and vocational counseling development~~, in which
34 ~~pupils are assisted receive counseling in doing all of the~~
35 *following areas:*

36 (A) *Planning for the future, including, but not limited to,*
37 *identifying personal interests, skills and abilities, career*
38 *planning, course selection, and career transition.*

1 (B) Becoming aware of ~~their~~ *personal preferences and*
2 *interests that influence educational and occupational*
3 *exploration, career ~~potential~~ choice, and career success.*

4 (C) Developing realistic perceptions of work, *the changing*
5 *work environment, and the effect of work on lifestyle.*

6 ~~(D) Relating to the work world.~~ *Understanding the*
7 *relationship between academic achievement and career success,*
8 *and the importance of maximizing career options.*

9 (E) *Understanding the value of participating in career and*
10 *technical education and work-based learning activities and*
11 *programs, including, but not limited to, service learning,*
12 *regional occupation programs and centers, partnership*
13 *programs, internship programs, job shadowing, and mentoring*
14 *experiences.*

15 (F) *Understanding the need to develop essential employability*
16 *skills and work habits.*

17 (G) *Understanding the variety of 4 year colleges and*
18 *universities, community colleges vocational and technical*
19 *preparation programs, and knowledge of admissions criteria and*
20 *enrollment procedures.*

21 (3) ~~Personal and social ~~counseling~~ development,~~ in which
22 ~~pupils receive counseling ~~pertaining to~~ in the following areas:~~

23 (A) *Healthy interpersonal relationships for the purpose of*
24 *promoting the development of their academic abilities, careers*
25 *and vocations, personalities, and social skills.*

26 ~~(e) Nothing in this section shall be construed as prohibiting~~
27 ~~persons participating in an organized advisory program approved~~
28 ~~by the governing board of a school district, and supervised by a~~
29 ~~school district counselor, from advising pupils pursuant to the~~
30 ~~organized advisory program.~~

31 (B) *Appreciation and respect for individual differences and*
32 *diversity.*

33 (C) *Decisionmaking, goal setting, and taking the necessary*
34 *action to achieve goals.*

35 (D) *Positive life skills, including, but not limited to, ability to*
36 *self-manage their behavior, effective communication, conflict*
37 *resolution, problem solving, cooperative group behavior, coping*
38 *skills, and managing stress and conflict.*

39 (E) *Awareness of when, where, and how to seek help in*
40 *solving problems and making decisions, and the ability to*

1 *differentiate between situations requiring peer support and*
2 *situations requiring assistance from adults.*

3 *(f) Educational counseling programs shall consist of*
4 *developmentally appropriate, standards-based guidance*
5 *curriculum, individual academic and career education planning*
6 *with pupils, responsive services, and system support and include*
7 *the following components:*

8 *(1) Use of data to identify pupil needs and establish program*
9 *goals.*

10 *(2) Expected pupil outcomes and developmentally appropriate*
11 *competencies that pupils should attain as a result of participating*
12 *in an educational counseling program.*

13 *(3) Intentional guidance action plans to close the gap between*
14 *desired results and the results currently being achieved.*

15 *(4) Provisions for monitoring and assessing pupil and*
16 *program results, including a mechanism to share these results*
17 *with school and community stakeholders.*

18 *(5) A description of specific roles for credentialed school*
19 *counselors, other credentialed pupil services staff, and*
20 *counselor-supervised paraprofessionals, including a clear*
21 *delineation of counseling and noncounseling activities.*

22 *(6) Provisions for collaboration and coordination between the*
23 *program and community-based resources and among site-based*
24 *pupil services staff.*

25 *(7) Provisions for ongoing professional development of all*
26 *pupil services staff.*

27 *(8) Provision for pupils, parents, representatives of community*
28 *and government agencies, and members of existing advisory*
29 *committees or councils to collaborate with counselors, teachers,*
30 *and other school personnel to develop and modify the program.*

31 *(9) Provision for appropriate coordination between*
32 *elementary and secondary schools and four-year colleges and*
33 *universities, community colleges, vocational and technical*
34 *preparation programs.*

35 *(g) The use of appropriate community-based services and*
36 *resources should be included in educational counseling*
37 *programs, wherever possible, under the following conditions:*

38 *(1) Individuals and agencies providing school-based*
39 *counseling services shall be coordinated and supervised by a*

1 *credentialed school counselor employed by the school district or*
2 *county office of education where the services are being provided.*

3 *(2) Individuals and agencies providing school-based*
4 *counseling services shall adhere to the provisions of this code*
5 *regarding access to pupil records, pupil and parent rights, and*
6 *pupil confidentiality.*

7 *(3) The school-based services and resources provided shall be*
8 *used to supplement, not supplant, the services provided by*
9 *credentialed school counselors authorized in this section.*

10 *(h) This section does not prohibit persons participating in an*
11 *organized advisory program approved by the governing board of*
12 *a school district, and supervised by a school district counselor,*
13 *from advising pupils pursuant to the organized advisory*
14 *program.*

15 ~~(d)~~

16 *(i) Notwithstanding any provisions of this section to the*
17 *contrary, any person who is performing these counseling services*
18 *pursuant to law authorizing the performance thereof in effect*
19 *before January 1, 1987, shall be authorized to may continue to*
20 *perform those services on and after that date without compliance*
21 *with the additional requirements imposed by this section.*

22 SEC. 3. The Legislature finds and declares that this act
23 furthers the purposes of the Classroom Instructional
24 Improvement and Accountability Act.

25 Sec. 4. If the Commission on State Mandates determines that
26 this act contains costs mandated by the state, reimbursement to
27 local agencies and school districts for those costs shall be made
28 pursuant to Part 7 (commencing with Section 17500) of Division
29 4 of Title 2 of the Government Code.